

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JOHN FECAROTTA,

Plaintiff,

v.

CITIBANK, N.A.,

Defendant.

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Case No.: 1:17-cv-08649

Hon. John Robert Blakey

STIPULATION TO ARBITRATE AND TO STAY ACTION

Plaintiff John Fecarotta and Defendant Citibank, N.A. (“Citibank”), through their respective undersigned counsel, hereby stipulate to arbitration and request that this Court stay this action pending arbitration, and in support thereof state:

1. Plaintiff filed his Complaint on November 30, 2017, wherein he brings claims against Citibank for alleged violations of the Telephone Consumer Protection Act and the Illinois Consumer Fraud and Deceptive Business Practices Act, arising out of or related to his use of a Home Depot credit card issued by Citibank. [Doc. # 1, ¶ 7.]

2. On January 11, 2018, Citibank filed its appearance.

3. A copy of the Card Agreement that governs Plaintiff’s use of the Home Depot credit card account is attached hereto as Exhibit 1. The Card Agreement contains an arbitration agreement that allows the parties to elect to arbitrate disputes that arise out of or are related to Plaintiff’s account and states: **“If arbitration is chosen by any party, neither you nor we will have the right to litigate that Claim in court or have a jury trial on that Claim.”** (Ex. 1.)

4. Pursuant to the terms of this Card Agreement, the matters alleged in Plaintiff’s Complaint against Citibank are subject to arbitration and Plaintiff has agreed to submit the matters alleged in his Complaint to arbitration.

IT IS ACCORDINGLY HEREBY STIPULATED, by and between all parties, that Plaintiff will arbitrate all claims within this action against Citibank.

WHEREFORE, the parties respectfully request that this Court enter an order finding that the parties stipulate to submitting Plaintiff's claims to arbitration and staying this case pending completion of arbitration.

Dated: January 18, 2018

Respectfully submitted,

CITIBANK, N.A.

/s/ Patrick Morales-Doyle
Todd A. Rowden
Patrick Morales-Doyle
Eileen E. Boyle Perich
Thompson Coburn LLP
55 East Monroe Street, 37th Floor
Chicago, Illinois 60603
Telephone: (312) 346-7500
Fax: (312) 782-6894
trowden@thompsoncoburn.com
pmoralesdoyle@thompsoncoburn.com
eboyleperich@thompsoncoburn.com

Counsel for Defendant

JOHN FECAROTTA

/s/ Mohammed Omar Badwan
(by permission)
Joseph Scott Davidson
Mohammed Omar Badwan
Sulaiman Law Group, Ltd.
2500 South Highland Avenue, Suite 200
Lombard, Illinois 60148
630-575-8181
j davidson@sulaimanlaw.com
mbadwan@sulaimanlaw.com

Counsel for Plaintiff